

Remarks:

The January 11, 2005 Official Action has been carefully considered. In view of the amendment presented herewith and these remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set in the January 11, 2005 Official Action. The initial due date for response, therefore, was April 11, 2005. A petition for a two (2) month extension of the response period is presented with this amendment and request for reconsideration, which is being filed within the two (2) month extension period, as June 11, 2005 fell on a Saturday.

In the January 11, 2005 Official Action, claim 82 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

Claim 82 has been canceled in accordance with this amendment. The cancellation of claim 82 is without prejudice to applicants right to prosecute the subject matter of this claim in a continuation application, as provided in 35 U.S.C. §120. This ground of rejection is now moot.

The only other rejection set forth in the January 11, 2005 Official Action is the rejection of claims 43-94 under the judicially created doctrine of obviousness-type double patenting, based on claims 1 and 2 of U.S. Patent No. 5,427,946.

Pursuant to 35 U.S.C. §253, and in accordance with the provisions of 37 C.F.R. §1.321(b), applicants are submitting herewith a Terminal Disclaim in proper form disclaiming the terminal part of any patent granted on the present application which would extend beyond the expiration date of U.S. Patent 5,427,946. The law is well settled that a timely filed Terminal Disclaimer under 35 U.S.C. §253 which satisfies the requirements of 37 C.F.R. §1.321 will overcome an obviousness-type double patenting rejection.

Entry of the present amendment is respectfully requested inasmuch as it neither introduces new matter nor requires further examination or search, and it clearly places the application in condition for allowance. In any event, entry of this amendment would materially reduce the issues that would need to be addressed on appeal, should an appeal be necessary in this case.

In view of the present amendment and the Terminal Disclaimer submitted herewith, all of the claims now pending in this application are believed to be in condition for allowance. Accordingly, the issuance of a Notice of Allowance is in order, and such action is earnestly solicited.

In the event that the fee submitted herewith is insufficient, the Commissioner is hereby authorized to charge any deficiency to Deposit Account No. 04-1406. A duplicate of this paper is submitted herewith.

Respectfully submitted,

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